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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/954,621	09/17/2001	Jerry G. Hodsdon	310048-561	6827

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EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/954,621	HODSDON ET AL.	
	Examiner	Art Unit	
	Nasser Ahmad	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 65-66 and 73-74 is/are allowed.
- 6) ☒ Claim(s) 19-64, 67-72 and 75-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1772

DETAILED ACTION

Finality Withdrawn

1. The Finality of the last Office Action, mailed on May 18, 2004 has been withdrawn because the application contained RCE filed on January 01, 2004 in view of the telephone conversation with the applicant on June 2, 2004.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 21, 2004 has been entered.

Rejections Withdrawn

3. Claims 19-20, 22-26, 28 and 29 rejected under 35 USC 102(b) as being anticipated by Sato in view of applicant's amendment filed on March 3, 2004.
4. Claims 19-29 rejected under 35 USC 103(a) as being unpatentable over Sato in view of the amendment.
5. Claims 44-48, 50-55, 57-62, 65, 67, 69, 71-73 and 75-77 rejected under 35 USC 102(b) as being anticipated by Sato in view of the amendment.
6. Claims 44-78 rejected under 35 USC 103(a) as being unpatentable over Sato in view of the amendment.

Response to Arguments

7. Applicant's arguments with respect to claims 19-78 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1772

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 19-25, 27-46, 48, 57-58, 61-62, 67, 69, 71-72 and 75-77 are rejected under 35 U.S.C. 102(b) as being anticipated by La Mers (4,454,180).

La Mers relates to a label sheet construction (190) comprising a liner sheet (126), a facestock sheet (192) adhered to the liner sheet, at least one first cut line (cut line surrounding label 146) through the facestock sheet but not the release coated liner sheet to form a facestock sheet first label releasably adhered to the liner sheet, at least one second cut line (cut line surrounding label adjacent to label 146) through the facestock sheet to form a facestock sheet second label releasably adhered to the liner sheet, and a weakened line segment (196) in the facestock outside of and extending at least substantially from the first label to the second label. The facestock being adapted to be bent back on the weakened line segment to thereby separate the liner sheet away from a portion of the first label. As shown in figure-16, the weakened line segment comprises a cut line through the facestock to the liner sheet, and the cut line engages the first and second cut lines. Also shown in figure-16, the facestock comprises at least one third cut line therethrough but no through the liner sheet to form a third sheet label, with the weakened line segment extending between the second and the third label. The line segments are the same and in a same line. The labels are shown to be circular in shape and positioned in an array. Figure-16 also shows that the label is positioned within a perimeter of the facestock and spaced a distance inside of the side and end edges of the perimeter. The portion of the facestock outside the label is taken to be the waste portion.

Art Unit: 1772

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 19-64, 67-72 and 75-78 rejected under 35 U.S.C. 103(a) as being unpatentable over La Mers.

La Mers, as discussed above, fails to teach that the labels are rectangularly shaped. It would have been an obvious matter of design choice to modify La Mers to provide labels of rectangular shape because such a modification in the shape is obvious to one having ordinary skill in the art.

Similarly, the labels having a burst configuration would have been an obvious modification in a change of shape of the label.

Further, it would have been obvious to one having ordinary skill in the art to modify La Mers by providing weakened line segments as discontinuous cut lines, instead of continuous cut line, to facilitate holding the labels in place during processing.

Additionally, when the line segment is discontinuous cut line, it will be spaced from the label cut line a land spacing.

Art Unit: 1772

Allowable Subject Matter

12. Claims 65-66 and 73-74 are free of the prior art uncovered so far in that the weakened fold line is a cut line through the facestock sheet but not penetrating the liner sheet.


Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nasser Ahmad
Primary Examiner
Art Unit 1772

N. Ahmad.
May 16, 2004.